

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/92557/W
Site Address:	Cellars Clough House, Manchester Road, Marsden, Huddersfield, HD7 6LY
Description:	Erection of single storey side extension with terrace above and associated alterations
Recommending Officer:	Lucy Taylor

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 10-Nov-2023

Officer Report.

Reference: 2023/92557

Location: Cellars Clough House, Manchester Road, Marsden, Huddersfield, HD7 6LY

Proposal: Erection of single storey side extension with terrace above and associated alterations

Site Description.

Cellars Clough House is a two-storey detached property located in Marsden, Huddersfield. The external walls of the property are faced in stone and the roof is infilled with slate tiles. Within the wider curtilage of the site, the property benefits from a three-storey detached building ('Cellars Clough House') which was an original carriage house and a single storey outbuilding to the west of the main dwelling. The site benefits from an extensive extent of outdoor amenity space and on-site parking area.

The property is located off Manchester Road, set to a lower topographical ground level, with gated access to the driveway.

The site is Allocated within the Green Belt in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the erection of a single storey side extension, with a terrace above and other associated alterations.

The proposed single storey side extension would project from the western side of the main dwelling and would be an 'L' shape, replacing the existing single storey outbuilding erected at present.

The extension would project from the western side of the main dwelling by 10.8 metres, with a maximum length of 13.7 metres. Part of the extension will have a flat roof above, with a height of 2.8 metres, the other part of the extension will have a gable roof with a maximum height of 4.6 metres.

The external walls of the extension would be faced in stone bricks and smooth stone. The roof would be constructed from standing seam zinc and green roof over single ply membrane.

Fenestration detailing would consist of glazed bi-fold doors and windows. These would be framed in light grey aluminium.

A terrace would be created above the flat roof, with glass balustrade to a height of 0.9 metres. An external spiral staircase would be erected in conjunction with this roof terrace.

As part of the proposal, the existing bank/driveway is to be reinstated.

History of Negotiations/Amendments Received.

To overcome the need for a pre-commencement condition, details were provided by the applicant/planning agent regarding land stability and the restoration of land which had previously collapsed.

These plans and reports were assessed by officers, concluded to alleviate the requirement to impose a pre-commencement condition regarding land stability, however, requiring a compliance condition to ensure that works are carried out in accordance with submitted details.

Given the nature of additional information provided, regarding land stability and restoration, it was not considered necessary to carry out re-advertisement of the application.

Relevant Planning History.

- 89/03495 – Rehabilitation of dwelling and conversion of adjacent loft/carriage house to form extension to dwelling.

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 13th October 2023.

In response to publicity, no representations were received.

Consultation Responses.

Ecology – no response received.

Policy/Legislation.

Section 38(6) of Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is located upon classified Green Belt land in the Kirklees Local Plan.

The application site is located within an area with a known presence of bats.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic Environment

Legislation

The Town & Country Planning Act 1990 (as amended).

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

Assessment.

The following matters will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

- 1) Principle of Development and Green Belt
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity

- 3) Impact on Highway Safety
- 4) Other Matters
- 5) Representations
- 6) Conclusion

1) Principle of Development

Sustainable Development:

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts to the Green Belt and on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

Green Belt:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in Paragraphs 149 and 150.

Paragraph 149(c) of the NPPF outlines that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building can be appropriate development in the Green Belt. Paragraph 150 sets out that engineering operations which preserve openness and do not conflict with the purposes of including land within the Green Belt may be another form of development which can be an exception which can be considered as not inappropriate development.

Further to this, Policy LP57 of the Kirklees Local Plan states that the extension or alteration of buildings in the Green Belt will normally be acceptable provided that:

“a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;

c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard surfacing, curtilages and enclosures and means of access; and

d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.”

The original dwellinghouse has a total volume of approximately 1441.20m³.

The original carriage house became an extension to the dwelling under planning application 89/03495, therefore, this is considered to be an addition to the host dwelling under Green Belt policies. The volume of the original carriage house has been interpreted using the submitted plans and information available. The volume of the original carriage house, as erected at present, is calculated to be approximately 220m³, presenting a percentage increase of approximately 15.27% to the original dwellinghouse.

In addition, whilst the existing single storey outbuilding appears to be an original feature within the curtilage of Cellars Clough House, it does not form part of the actual dwellinghouse and has always been a separate built form within the boundaries of the site. As part of this proposal, it will be becoming an addition to the actual dwellinghouse itself, to become adjoined to the host property and serve habitable space internally. As such, this part of the proposal is viewed as an addition to the host property with regard to Green Belt policies. The gable roofed element of the side extension has been calculated to present a volume of approximately 188.5m³.

The link extension is an entirely new element and therefore, this built form is viewed as an addition to the host property in terms of Green Belt policies. The flat roofed link extension has been calculated to present a volume of approximately 136m³.

The proposed ‘L-shaped’ extension would have a total volume of approximately 324.5m³, presenting a percentage increase of approximately 22.5% to the original dwellinghouse of Cellars Clough House.

The cumulative volume increase of all extensions to Cellars Clough House is therefore approximately 545.5m³, an overall percentage increase of 37.85% to the original dwellinghouse. Whilst, arithmetically, this is considered to be a relatively generous increase to the original dwellinghouse of Cellars Clough

House, it is not considered that the proposal would result in disproportionate development and would therefore, constitute appropriate development in the Green Belt.

Furthermore, when taking into account the visual appearance of the proposed extension, it is considered that it would appear subordinate to the main dwelling by virtue of its single storey height, 'L-shaped' design and flat roofed element.

For the reasons set out above, the proposal is considered to be acceptable in principle in accordance with policies within Chapter 13 of the NPPF and Policy LP57(a) of the Kirklees Local Plan.

As part of the proposal, the existing bank/driveway is to be reinstated. As the proposal seeks to only reinstate original and existing areas of driveway and banking, with no additional hard-surfacing proposed, it is considered that the proposal would not result in any greater impact on openness in treatment of outdoor areas, in accordance with policy LP57(c) and paragraph 150 of the NPPF.

1) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Paragraph 130 of the NPPF is of relevance, in particular the following parts: -
- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*
- *'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
- *'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...'*
- *'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5.3 of the House Extensions and Alterations SPD refers specifically to side extensions, with paragraph 5.17 setting out that single storey side extensions should:

- not extend more than two thirds of the width of the original dwellinghouse
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

Whilst the proposed extension would exceed the limitations of the House Extensions and Alterations SPD with regard to aligning with the principal elevation of the dwellinghouse, given the 'L-shaped' design of the extension, most of the built form will be set back from the principal elevation, and that which aligns, is to replace the position of the existing outbuilding. Therefore, it is concluded that, based on the individual merits of the application site and proposal, in this instance, the siting of the proposed extension is concluded to be acceptable.

The 'L-shaped' extension will be single storey in height and will be faced in materials that are in keeping with the appearance of the host dwelling. As such, the design the extension is considered to be subservient in appearance to the host dwellinghouse.

Whilst the gable roofed part of the extension would have a maximum height of 4.6 metres, it would have an eaves height of only 2.9 metres. Therefore, given that the proposal would exceed the height limitation of the House Extensions and Alterations SPD by only 0.6 metres, and that the extension is located over 10 metres from the nearest neighbouring building, it is not considered that this breach in guidance would result in visual detriment. In addition, the height of the gable roof is considered acceptable given that undue harm to the amenities of neighbouring properties would be avoided as discussed in the following section of this report.

Further supporting the above paragraph is the fact that the link extension will have a flat roofing form above, with a maximum height of only 2.8 metres. A flat roof, by form, naturally works to reduce any potential of undue bulking or massing. Therefore, on balance, the cumulative impact of the gable roof, in conjunction with the flat roof, is considered to be acceptable visually, with the flat roof further promoting subordination of the development.

Fenestration detailing is limited to glazed bi-fold doors and windows. Whilst these forms of fenestration will be of a more contemporary design to existing glazing at Cellars Clough House, it is considered that there addition is acceptable and in accordance with paragraph 4.4 of the House Extensions

and Alterations SPD, which states: *“Contemporary designs and high-quality modern interpretations of distinctive and significant local characteristics will be welcomed where they are demonstrably appropriate to the site context...”*

In terms of the proposed terrace above the extension, this would be in accordance with paragraph 5.28 of the House Extensions and Alterations SPD in that it would not alter the local character of the area. The balcony would be limited in size/scale and would only span across the first 4.4 metres of the projection of the link extension. The balcony would also have glazed balustrade, which is considered to be of a subtle design, that would retain an appropriate sense of openness.

With regard to impacts to the wider streetscene. Cellars Clough House is set down from the land level of Manchester Road and therefore, visibility of the site is limited from public vantage points. As such, given the single storey scale of the proposed extension, it is not considered that it would impact upon the character of the locality.

As part of the proposal, the existing bank/driveway is to be reinstated to engineers' drawings. Based on a site visit undertaken by the case officer, the existing banking and driveway has been damaged and therefore, these works would be considered to create an overall improvement to the site. It is considered that, to ensure there is not an excessive build up of the banking, and to ensure the works would not have a significant visual impact, any grant of permission is subject to condition requiring a scheme of works to be submitted to the LPA which details this element of the scheme including the materials of construction.

As part of this application, details have been submitted regarding the restoration of the land where a land slide has occurred at the site. The measures to be taken to support this land are considered to have an acceptable impact visually, to include a low contiguous piled wall and gabion walls with graded land between. It is recommended this is ensured by condition to prevent works which would be visually intrusive from being undertaken.

For all the reasons outline above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the NPPF, Policies LP24 and LP57(d) of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *“...maintain appropriate distances between buildings”* and *“...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

In accordance with Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would see the retention of an appropriate extent of outdoor amenity space at Cellars Clough House.

The property of Riversdale is located to the east of the site. Given the extent of separation distance between Cellars Clough House and this neighbouring property, as well as the siting of the proposed single storey extension to the west of the existing dwelling, it is concluded that the development would not result in any undue impacts of overbearing, overshadowing or overlooking for this neighbouring property.

The buildings of Cellars Clough and The Old Coach House are located to the north east of the site. Whilst the application site is located to a higher topographical ground level than these buildings, given the single storey nature of the proposed extension and that it would remain separated by these buildings by a minimum distance of approximately 12 metres, it is not considered that its erection would result in any undue impacts of overbearing or overshadowing.

In addition, whilst a large window is proposed to the northern facing elevation of the extension, it is not considered that it would result in undue impacts of overlooking for the occupiers of either Cellars Clough or The Old Coach House. This conclusion is made on the basis of the differences in land levels, and orientation of the site, whereby this window would not be directly facing any habitable room serving windows on these buildings or their outdoor amenity spaces.

With regard to the proposed terrace, this would be compliant with paragraph 5.28 of the House Extensions and Alterations SPD, which requires balconies to be positioned so that they do not overlook neighbouring homes or gardens and to be sited away from locations that are sensitive to additional noise levels or disruption. The terrace would be limited in size/scale and would only span across the first 4.4 metres of the projection of the link extension. As such, visibility from the terrace would be directly northward, with the gable roofed element of the extension providing a mitigating screen in relation to views toward Cellars Clough and The Old Coach House.

It is considered that use of the flat roof as a balcony or terrace, could potentially lead to an unacceptable level of overlooking of the neighbour to

north west. A condition is therefore recommended that this is retained as a roof only and not used as a balcony or terrace.

To ensure the works to build up the bank and reinstate the driveway do not significantly impact upon neighbouring occupiers / create an oppressive impact through the works / construction of retaining structure, a condition requiring the submission of details of this element of the scheme is recommended.

For these reasons, the proposed development at 115 Kaye Lane is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions and Alterations SPD.

It should be noted that, with regard to the proposed works to the driveway and banking, an informative note would be included making the applicant aware the granting of planning permission does not over-ride applicable legal access and ownership arrangements.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development would not directly increase the domestic function of Cellars Clough House (i.e. no additional bedrooms), nor would it reduce the existing levels of on-site parking, or existing access to and from the highway of Manchester Road. Therefore, the proposal is considered to be acceptable from a highway safety perspective.

In turn, erecting the proposed extension at Cellars Clough House would appropriately accord with Chapter 9 of the NPPF, Policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4) Other Matters

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been

incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

As part of this application, a Climate Change Statement was submitted, which set out mitigation measures, including photovoltaic panels on south-west facing roof to provide a renewable energy source.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system. The proposal would see the demolition of the existing single storey outbuilding at Cellars Clough House, which has the potential for roosting bats to be present. In this instance, it is not considered necessary for a full assessment of the roof space above the outbuilding to be undertaken, given the low likelihood for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

Land Stability:

Policy LP28 seeks to ensure development has an acceptable impact, having regard to surface water drainage. Policy LP53 of the Kirklees Local Plan and paragraphs 174 and 183 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking

account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

Paragraph 184 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The proposal would see the building up of an existing, partially collapsed, land bank. Specific details have been provided regarding how this land will be built up and restored. It is considered that the details submitted demonstrate that the proposal has an acceptable impact in this regard, including with regard to surface water drainage and completed land levels. Upon any grant of approval, a condition would be included requiring the works to be carried out in accordance with the submitted details.

Subject to condition the proposal is considered acceptable with regard to land stability.

5) Representations

No representations were received.

6) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers

Application Number: 2023/92557

Officer Recommendation: Approve

Conditions and Reasons:

- 1) The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51 and LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7 and 15 of the Council's adopted House Extensions and Alterations SPD, and Chapters 2, 9, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

- 3) The materials of construction of the development hereby shall be in accordance with those set out within submitted plans L(-4)021, L(-4)011, L(-4)031 and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2, LP24 and LP57(d) of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

- 4) The area annotated green upon submitted drawing L(-1)011 shall be used as a roof only and shall not be used as a balcony or terrace area at any time throughout the lifetime of the development.

Reason: To ensure no detrimental level of overlooking of neighbouring occupiers occurs in the interests of the residential amenity of neighbouring occupiers to accord with policy LP24 of the Kirklees Local Plan, Principles 3 and 4 of the Council's adopted House Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.

- 5) All works hereby approved that relate to land stability shall be undertaken in accordance with the details as submitted in Dwg Numbers. 001 Rev O, 002 Rev F and 003 Rev B and the details as contained within the Ground Investigation Report - Geotechnical by GeoAssist Limited (ref: 6018/CCZ-G v1.0) which shall be retained thereafter.

Reason: In the interests of visual amenity, preserving openness of the green belt, residential amenity and land stability to accord with policies LP24, LP28, LP53 & LP57 of the Kirklees Local Plan and policies within Chapters 12, 13 and 15 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are

discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: The application site is not located in a coal risk area.

NOTE: With regard to land stability, it is brought to the applicant / developers' attention that responsibility for securing a safe development rests with the developer and/or landowner.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	-	-	29/08/23
Existing North and East Elevations	L(-4)010	-	29/08/23
Proposed South and West Elevations	L(-4)021	-	29/08/23
Proposed North and East Elevations	L(-4)011	-	29/08/23
Existing South and West Elevations	L(-4)020	-	29/08/23
Proposed West (b) Elevations	L(-4)031	-	29/08/23
Existing Site/Block Layout	L(-1)010	-	06/09/23
Proposed Site/Block Layout	L(-1)011	-	06/09/23
Proposed Floor Plans	L(-2)011	-	29/08/23
Existing Ground Floor Floor Plans	L(-02)020	-	29/08/23
Existing Lower Ground Floor Floor Plans	L(-2)010	-	29/08/23
Climate Change Statement	-	-	06/09/23
Site Plan & Sections	001	O	07/11/23
Embankment Reconstruction	002	F	07/11/23

Work Proposed Site Plan			
Embankment Restoration Work Sections & Details	003	B	07/11/23
Ground Investigation Report – Geotechnical	6018/CCZ-G v1.0	-	07/11/23
Gabion Wall 1 Section AA Gabion Analysis Input Data	-	-	07/11/23
Section AA Gabion Analysis Input Data	-	-	07/11/23

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Further information relating to land stability was requested and provided.

Report Dated:

09/11/23